

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Travis J. Parry)	Confirmation No: 8466
)	
Serial No.: 10/091,740)	Group Art Unit: 2132
)	
Filed: March 6, 2002)	Examiner: Homayounmehr, F.
)	
For: TRANSMITTING DATA)	
ACROSS FIREWALLS)	Atty. Docket No.: 10013768-1

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed September 12, 2007 has been carefully considered. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Applicant's Appeal Brief. Although the Examiner's Answer has added some additional remarks in response to Applicant's arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicant stands behind the arguments set forth in the Appeal Brief. In addition, Applicant addresses selected responses in the following.

Regarding claim 1 and Applicant's earlier arguments, the Examiner's Answer states that *Schwartz* discloses traversing a firewall in a local or remote network. See pages 21-22. In response, Applicant agrees that the system and method disclosed *Schwartz* in may be used in a local or remote network. However, *Schwartz* discloses that remote devices may attempt to determine an address for the remote firewall and local devices may attempt to determine an address for the local firewall. *Schwartz* does not disclose that local devices attempt to determine an address for a remote firewall in the manner claimed. In particular, *Schwartz* does not disclose at least "receiving a request to transmit data to a destination at a remote network," "searching for a firewall associated with the destination at the remote network," "if the firewall is detected, automatically configuring the data for communication with the secondary communication protocol," and "wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol," as recited in claim 1.

The Examiner also mentions that *Schwartz* describes how an advertisement sent from a server traverses a remote firewall in order to be received by a device behind the remote firewall. See page 22 of Examiner's Answer and paragraph 0025 of *Schwartz*. In response, Applicant notes that paragraph 0025 is focused on how it is important for non-traditional devices to determine an address of a local firewall so that it may access a manufacturer's site or receive advertisements. This paragraph and the *Schwartz* disclosure in general does not disclose, teach, or suggest at least "receiving a request to transmit data to a destination at a remote network," "searching for a firewall associated with the destination at the remote network," "if the firewall is detected, automatically configuring the data for communication with the secondary communication protocol," and "wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol," as recited in claim 1.

The Examiner further states that the "claim requirement does not mention the address of a firewall associated with a destination. The claim requires the request to include the primary and secondary address of a destination device associated with the firewall. The address of the firewall is not in the claim requirement." See page 24 of Examiner's Answer (Emphasis removed). In response, Applicant notes that claim 1, as an example, recites "searching for a firewall associated with the destination at the remote network, the firewall being configured to prohibit communication to the destination via a primary communication protocol and allow communication to the

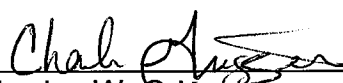
destination via a secondary communication protocol” and “wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol.” Accordingly, claim 1 recites that the addresses for a destination, which are contained in the request, are related to the either the primary or secondary communication protocols of the firewall in the remote network. *Schwartz* does not disclose a request having two destination addresses or a remote firewall having primary and secondary communication protocols in the manner claimed. For at least these reasons, the cited art fails to disclose the features of claim 1.

Using similar reasoning, the cited art does not teach or suggest the subject matter of remaining claims 2, 4-14, 17-30, 33-35, 37, and 39-41. For the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited references are deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand. The rejection of the pending claims should be withdrawn.

Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

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